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January 23, 2006

BY ELECTRONIC FILING

The Honorable Kent A. Jordan
United States District Court
844 North King Street, Room 4209
Wilmington, DE 19801

RE: Eames v. Nationwide Mut. Ins. Co.
C.A. No.: 04-CV-1324KAJ

Dear Judge Jordan:

At the November 8, 2005 hearing on Nationwide's motion to dismiss, the Court ordered the parties to confer regarding new deadlines for discovery and briefing on class certification issues. The parties reached agreement on those scheduling issues; and my letter of December 8, 2005 advised the Court of the agreed deadlines.

A number of class-certification-related discovery issues are still outstanding, however; and the parties agree that the proposed new deadlines have become unworkable. Specifically, the Court has established a briefing scheduling with respect to the Special Discovery Master's January 4, 2006 Report and Recommendation. A decision on those issues may greatly affect class certification discovery. In addition, a dispute has arisen regarding Nationwide's responses to the Eames plaintiffs' initial interrogatories and second set of document requests; and another dispute has arisen regarding the scope of the Eames plaintiffs' notice of deposition under Rule 30(b)(6).

It thus seems clear that the various discovery disputes surrounding class certification issues will not be resolved in time to meet either the proposed cutoff for class certification discovery (February 28, 2006) or the proposed deadline for filing of the Eames plaintiffs' opening brief on class certification (March 7, 2006). According, the parties have agreed to extend the proposed deadlines by sixty days. The new deadlines, if approved by the Court, would be as follows:

Expert disclosures on class certification issues: March 24, 2006
Close of class certification discovery: April 28, 2006
Eames plaintiffs' motion for class certification, with opening brief: May 8, 2006
Nationwide's answering brief on class certification: May 22, 2006
Eames plaintiffs' reply brief on class certification: May 30, 2006

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The parties are available to answer any questions regarding these scheduling matters, and to prepare an appropriate form of Order, if desired.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr

cc: Curtis P. Cheyney, III, Esq. (by electronic filing)